

Figure SC810.F46. Sample Controversion Letter - Injury Not In Performance of Duty

USE INSTALLATION LETTERHEAD

FROM: AAAA-BB

Date

SUBJECT: Controversion of FECA Claim - Mary A. Brown, DOI - 3 January 1994

TO: Office of Worders' Compensation Programs
Street Address
City, State Zip Code

Dear Claims Examiner:

The information contained in the attached Form CA-1 submitted by Ms. Mary A. Brown, the supervisor and activity medical officer's statements, and the Form CA-20 indicate that Ms. Brown's medical condition is not related to employment factors. Instead, the attachments show that Ms. Brown did not incur her injury in the "performance of duty."

According to the documentation, the claimed injury did occur on the employer's premises. However, the time of the incident was 40 minutes prior to the beginning of Ms. Brown's work shift, and the act of showering in our Government facility was not required in the performance of her duties but for her own personal satisfaction and convenience. Due to a power failure at her home, she was without hot water and decided to shower at work. Ms. Brown had not established a pattern or routine of a morning shower at work, and we consider her indulgence a substantial deviation from her employment.

As stated above, the injury occurred on the premises but did not arise out of her employment as this act did not have any relationship to the work she was employed to perform nor was it incidental to her contract of employment. We believe her injury is not covered by the FECA and that the claim should be denied. We have advised Ms. Brown that we are controverting her claim.

Your early decision on this claim will be appreciated. If you have any questions, please contact Jane I. Green at (614) 522-0001.

Sincerely,

MELVIN A. BROWN
Injury Compensation Program
Administrator

3 Encl

1. Form CA-1
2. Supervisor's Statemet
3. Doctor's Statement

cc: BBBB-BB (Mary A. Brown)